IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 26135 of 2003

Between:

Davuluri Chakrapani,

S/o Sivaramprasad,
R/o Door No.29-1-11B, Ithanagar,

Tenali.

..... PETITIONER

AND

1. The Union of India, rep.by its Secretary,

   Ministry of Law, Justice and Company Affairs,
   New Delhi.

2. The Branch Manager,

   State Bank of Hyderabad,
   Tenali.

3. The Authorised Officer,

   State Bank of India, Tenali,
   Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one under Writ of Mandamus, declaring that the provisions of Sections 13(2), 4 and 17 of the Securities and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as illegal and ultra vires to the provisions of the Article 14 of the Constitution of India and also declare that Respondent Nos.2 and 3 are not entitled to deal with the possession of the petitioner and consequently direct their action as illegal and ultra vires to the provisions of Article 14,31 and 300-A of Constitution of India

For the Petitioner :Mr.V.S.R.ANJANEYALU, Advocate.

For the Respondents: Mr.A.RAJASHEKAR REDDY (SC FOR CG) for R-1

Mr. K.V.Simhadri, S.C. for R-2 and R-3

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated

8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

To

1. The Union of India, rep.by its Secretary,

Ministry of Law, Justice and Company Affairs,
New Delhi.

2 The Branch Manager,

State Bank of Hyderabad,
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3 The Authorised Officer,

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